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In re Application of:
Patti et al.
Serial No.: 09/982,992
Filed: October 22, 2001
Attorney Docket No.: P06922US02/BAS

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR § 1.181(a) filed on October 13, 2004, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the Office action mailed March 24, 2004.

A review of the file history shows that the examiner mailed a non-final Office action to applicants on March 24, 2004, setting a three-month statutory time period for reply. On October 6, 2004, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants state that a response to the Office action was timely filed on September 24, 2004 as evidenced by a copy of the date-stamped receipt card. Applicants also provide a copy of the response to the Office action with the petition. In view of this evidence, applicants are considered to have submitted a timely reply.

Applicants' petition is **GRANTED**. The application is restored to pending status with the mailing date of this decision and will be forwarded to the examiner for consideration of the response of September 24, 2004.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Bruce Kisliuk
Director, Technology Center 1600